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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HOSSEIN DABESTANI,

Defendant.

No. CR 12-70743 HRL

STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING TIME FOR  
PRELIMINARY HEARING AND  
EXCLUDING TIME FROM SPEEDY  
TRIAL ACT CALCULATION

The parties stipulate as follows:

1. The defendant is presently charged by criminal complaint for a violation of 18 U.S.C. § 1960(a). Previously, at the request of the parties, the Court continued the preliminary hearing date From July 10, 2012 to September 6, 2012.

2. Currently, the preliminary hearing is set for September 6, 2012, at 9:30 a.m., before Magistrate Judge Paul S. Grewal.

3. The United States has provided materials to defense counsel and counsel needs additional time to review those materials, meet with the defendant to discuss them, and determine how to proceed.

No. CR 12-70743 HRL  
ORDER EXTENDING TIME

4. The parties jointly request to vacate the current hearing and continue it to September 28, 2012, at 9:30 a.m. before Magistrate Judge Paul S. Grewal.

5. Defendant Hossein Dabestani consents to an extension of time for the preliminary hearing date under Federal Rule of Criminal Procedure 5.1(c) and (d) and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from September 6, 2012 to September 28, 2012.

STIPULATED:

DATE: 8/30/12 /S/

PETER B. AXELROD  
Assistant United States Attorneys

DATE: 8/30/12 /S/

VARELL FULLER  
Attorney for Defendant Hossein Dabestani

## ORDER

Based on the parties' stipulation, the Court finds and holds, as follows:

1. The defendant is presently charged by criminal complaint for a violation of 18 U.S.C. § 1960(a).

2. With the defendant's consent, the twenty-one day time limit for a preliminary hearing or indictment under F.R.Crim.P. 5.1(c) is extended, and time is excluded from calculation of the thirty-day time limit for information or indictment under 18 U.S.C. § 3161(b). The United States has provided materials to defense counsel and counsel needs additional time to review those materials, meet with the defendant and determine how to proceed. Accordingly, the extension and exclusion are required for effective preparation of defense counsel.

1           3.       There is good cause for the extension under F.R.Crim.P. 5.1, and the  
2 exclusion under 18 U.S.C. § 3161, and that the ends of justice served by granting this  
3 continuance outweigh the best interests of the public and of the defendant in a speedy trial  
4 and the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court  
5 further finds that failure to grant the continuance would deny counsel for all parties  
6 reasonable time necessary for effective preparation taking into account the exercise of due  
7 diligence under 18 U.S.C. § 3161(h)(8)(B)(iv).

8           4.       Accordingly, and with the consent of the defendant, the Court sets a date  
9 and orders that the period from September 6, 2012 to September 28, 2012 be excluded  
10 from the time period for preliminary hearings under Federal Rule of Criminal Procedure  
11 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

12           IT IS SO ORDERED.

13  
14  
15 DATED: August 31, 2012

  
PAUL S. GREWAL  
United States Magistrate Judge